

Notice of Allowability

Application No.

10/775,160

Examiner

R. Alexander Smith

Applicant(s)

SPILLMAN, KAREEM RAHMON

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephonic conversation with Mr. Spillman on November 14, 2004.
 2. ☒ The allowed claim(s) is/are 15-22.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37.CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.132. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. Kareem Spillman on November 14, 2004.
3. The application has been amended as follows:

For the title: The title has been changed to

-- TELESCOPIC ATTACHABLE ACCESSORY CONTAINER WITH BOOKMARK FOR
BOOKS --

In the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claims 1-14 (canceled).

15. (New) A telescoping container with bookmark comprising:

a container forming an enclosure, said container having an outer sleeve and an inner sleeve wherein said inner sleeve slides within the outer sleeve to adjust a length of the container, said enclosure being adapted for holding writing instruments,

said outer sleeve having a wall with a groove, said inner sleeve having a wall with a raised protuberance wherein said protuberance slides within said groove to prevent overextending of the sliding inner sleeve when adjusting said length of the container,

said inner sleeve having a top end, said top end having an attached pivoting lid and a lid latch for securing the pivoting lid in a shut position,

an elastic band attached to the top end of the inner sleeve, said elastic band having a releasable anchor at a distal end for releasably anchoring said elastic band to said outer sleeve, said elastic band forming a loop adapted to secure the container with bookmark to a spine of a book,

a flexible bookmark attached to said top end of the inner sleeve adjacent said elastic band, the bookmark having a length adapted to be inserted between pages of a book,

said pivoting lid including a small opening, said elastic band and said bookmark passing through said opening to be attached within said inner sleeve.

16. (New) The telescoping container with bookmark of claim 15 wherein said raised protuberance is pressable to allow disconnection of said sleeves from one another.
17. (New) The telescoping container with bookmark of claim 16 wherein said sleeves are reconnectable to return said container to its original state.
18. (New) The telescoping container with bookmark of claim 15 wherein the length of the container is adapted to accommodate different size books.
19. (New) The telescoping container with bookmark of claim 15 wherein the inner sleeve has a hidden compartment that secures the elastic band and the bookmark.
20. (New) The telescoping container with bookmark of claim 15 wherein the releasable anchor hooks onto the outer sleeve.
21. (New) The telescoping container with bookmark of claim 15 wherein the inner sleeve and the outer sleeve have complementary semicircular cross-sections.
22. (New) The telescoping container with bookmark of claim 15 wherein the lid latch is integral with the lid.

In the abstract: The abstract has been replaced with the following substitute abstract.

-- An apparatus that holds pens, pencils, highlighters, and similar objects that is both functional and decorative. The hollow, semicircular shaped body telescopes, with the opening on the inner most sleeve. Attached to the inner most sleeve is a lid. The lid has a tab that locks the contents securely within the container. The inner most sleeve has a hidden compartment that secures the elastic band and a bookmark. The outer most sleeve connects to the inner most sleeve. The elastic band wraps around the outside of the container and is removably connected to the outer most sleeve using a release anchor, which hooks onto the outer most sleeve. This elastic band is how the container is attached to the book spine. The inner most sleeve has a protuberance that is designed to set within a groove which is on the outer most sleeve. --

In the specification: The specification has been replaced in its entirety with the following substitute specification.

-- **Field of the Invention:**

The present invention relates generally to an apparatus that attaches to the spine of a book and, more particularly, to a holder for pens, pencils, highlighters and similar objects as well as a bookmark.

BACKGROUND OF THE INVENTION

Since the beginning of civilized time, there have been a need to store writing instruments in a safe location, that is easy to retrieve, and reliably that the writing instruments will not be damaged.

Initially, there have been cups and bookmarks with clips that were designed to hold writing instruments. Now inventors are developing ways to more conveniently store these writing instruments. These holders are found in stores, outlets, and mail order catalogs, for example, in United States Patent Des. 325,929 and 4,162,800 and 5,881,434.

Art Unit: 2859

Prior art holders are inherently unreliable, they can not hold multiple writing instruments, they support a limited variety of book sizes, the writing instruments can be damaged or injury can happen to the user, they are heavy and bulky. There is a tendency for them not to be where you last put them. They take up too much space and are not attractive to display.

It is therefore an object of the invention to provide a container for pens, pencils, highlighters, and similar objects.

It is another object of the invention to provide the container that can be attached to the spine of a book.

It is a further object of the invention to provide a container that disconnects the two sleeves and remove the jammed contents inside.

It is another object of the invention to provide a container that reconnects the two sleeves and return the container to its original state.

It is an object of the invention to provide a bookmark for the user.

It is also an object of the invention to provide a container that can adjust to the size of a variety of books.

Art Unit: 2859

It is an object of the invention to provide a container that secures the contents inside and easy retrieval of the contents.

It is an object of the invention to provide a container that releases the elastic band so the user can attach and detach the container to the book more easily.

SUMMARY OF THE INVENTION

In accordance with the present invention, there is provided an apparatus that holds pens, pencils, highlighters, and similar objects that is both functional and decorative. The hollow, semicircular shaped body telescopes, with the opening on the inner most sleeve. Attached to the inner most sleeve is a lid. The lid has a tab that locks the contents securely within the container. The inner most sleeve has a hidden compartment that secures the elastic band and a bookmark. The outer most sleeve connects to the inner most sleeve by means of a protuberance located on the inner most sleeve and a groove located on the outer most sleeve. The elastic band wraps around the outside of the container and is removably connected to the outer most sleeve using a release anchor, which hooks onto the outer most sleeve. This elastic band is how the container is attached to the book spine.

BRIEF DESCRIPTION OF THE DRAWINGS

A complete understanding of the present invention may be obtained by reference to the accompanying drawings, when considered in conjunction with the subsequent, detailed description, in which:

Figure 1 is a left side perspective view of a container constructed to represent the invention, showing the upper section of the container;

Figure 2 is a left side orthogonal view of a container in figure 1;

Figure 3 is a from above orthogonal view of a container in figure 1;

Figure 4 is a bottom orthogonal view of a container of figure 1;

Figure 5 is a bottom orthogonal view of a container in the extended position of figure 1;

Figure 6 is a front end orthogonal view of a container of figure 1; and

Figure 7 is a back end orthogonal view of a container of figure 1.

For purposes of clarity and brevity, like elements and components will bear the same designations and numbering throughout the figures.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Figure 1 is a left side perspective view of a container constructed to represent the invention, showing the upper section of the container. The container attaches to the spine of a book, and serves as a holder for pens, pencils, highlighters, and similar objects as well as a bookmark 10. The container takes the form of two semicircular sleeves, the inner most sleeve 7 and the outer most sleeve 11, which slide inside one another. This feature allows it to adjust to the height of any book. The inner most sleeve 7 and the outer most sleeve 11 can be constructed of plastic, metal, wood, or any other suitable material. One of the sleeves is provided with a flip open lid 8 on one end that allows the user to retrieve the writing instruments or similar objects that may be stored inside. There is an area on the lid 8 with an opening 6, that allows the elastic band 5 and the bookmark 10 to be secured to the compartment 9 in the inner most sleeve 7. The lid 8 also has a lid 8 latch that locks the lid 8 closed when the writing instruments and similar objects are placed inside, and when the lid 8 latch is pressed, the writing instruments and similar objects can be retrieved. The invention is attached to the book by an elastic band 5, similar in appearance to a large rubber band, which grips the book by the spine area. Additionally the container is provided with a flexible bookmark 10 that may be used to mark the page where the reader leaves off.

Figure 2 is an orthogonal left side view of the container in figure 1. The drawing shows the compartment 9 where the elastic band 5 and the bookmark 10 are secured. The inner most sleeve

Art Unit: 2859

7 and the outer most sleeve 11 are shown with the directional marker showing the way the container is to telescope to the extended position. The drawing shows the lid latch 2 and the lid 8, with the directional marker showing the way the lid 8 is to open for the writing instruments and similar objects to be stored and retrieved. The drawing also shows the release anchor 1 that allows the reader to attach and detach the container on the book.

Figure 3 is an orthogonal view from above of the container in figure 1. The drawing shows the inner most sleeve 7 and the outer most sleeve 11 with the directional marker showing the motion of the telescoping feature. The drawing shows the release anchor 1 and the directional marker showing the motion that is needed to attach it from the outer most sleeve 11.

Figure 4 is an orthogonal view of the bottom of the container of figure 1. The drawing shows the protuberance 3 and how it fits into the groove 4. The protuberance 3 is used to keep the container from over extending without the user wanting it to. The protuberance 3 slides the length of the groove 4 and when it reaches the end of the groove 4 it has to stop. When the container is removed from the book the protuberance 3 slides the length of the groove 4 and rests in a fully collapsed position. The drawing also shows the elastic band 5 going the length of the container, keeping the container attached to the spine area of the book. The bookmark 10, connected in the compartment 9 with the elastic band 5 and, extends nearly the length of the body of the container.

Figure 5 is an orthogonal view of the bottom of the container extended of figure 1. The drawing shows the protuberance 3 and the bookmark 10 at the fully extended position. The directional marker shows the way the container is to telescope to the collapsed position. At this fully extended position if the writing instruments and similar objects were to become stuck in the container, the user would have to first release the release anchor 1, press the protuberance 3 and over extend the container to expel the contents. When the contents have been extracted the user would then place the inner most sleeve 7 back within the outer most sleeve 11, press the protuberance 3 to secure it in the groove 4, and collapse the container and replace the release anchor 1.

Figure 6 is an orthogonal view of the front end of the container of figure 1. The drawing shows the lid 8, lid latch 2, and the opening 6 in the open and shut positions, the directional markers showing the operation. The drawing also shows the elastic band 5 and the bookmark 10 going through the opening 6.

Figure 7 is an orthogonal view of the back end of the container of figure 1. The drawing shows the elastic band 5 and the release anchor 1, with the directional marker showing the operation of installing the release anchor 1.

Since other modifications and changes varied to fit particular operating requirements and environments will be apparent to those skilled in the art, the invention is not considered limited

Art Unit: 2859

to the example chosen for purposes of disclosure, and covers all changes and modifications which do not constitute departures from the true spirit and scope of this invention.

Having thus described the invention, what is desired to be protected by Letters Patent is presented in the subsequently appended claims. --

In the drawings:

The following changes to the drawings have been approved by the examiner and agreed upon by the applicant. In order to avoid **ABANDONMENT** of the application, the applicant must make the following agreed upon drawing changes. Attached drawings marked in red show the changes agreed upon in the telephonic interview, the changes are as follows:

- a) The diagonal lines are not uniformly thick, see the attached figure 2 for an example.
- b) There is a lot of dots or spots which need to be removed.
- c) The lettering needs to be larger in order to be readable. Furthermore, the number 9 in figure 2 is covered by a horizontal line. Both need to be corrected throughout the drawings.
- d) The Applicant has placed the titles, e.g., Figure 2, at the top of each page and at a distance away from the associated respective figures. Although not required, the Examiner would prefer that the titles be closer to the figures.

Also attached a printout of the MPEP § 1.84 *Standards for drawings* for the Applicant's information. If there are any questions on what needs to be done then the Applicant should call the Examiner. The phone number is at the end of this action.

The Applicant should note that figure 2 is the most informative of the figures and has been designated by the Examiner as the figure to be placed on the front page.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance of claims 15-22.

For independent claim 15, the prior art of record does not disclose or clearly suggest a telescoping container with bookmark comprising a container having an outer sleeve and an inner sleeve wherein said inner sleeve slides within the outer sleeve to adjust a length of the container, and a pivoting lid including a small opening wherein an elastic band and a bookmark pass through said opening to be attached within said inner sleeve in combination with the remaining limitations of the claim.

Claims 16-22 are allowed due to their dependency on allowed claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2859

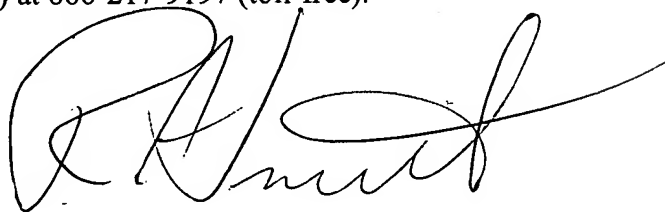
Conclusion

5. The prior art made of record is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 disclose related containers and/or bookmarks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a large, stylized initial 'R' and a long horizontal flourish extending to the right.

R. Alexander Smith
Patent Examiner
Technology Center 2800

RAS
November 15, 2004